

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**FILL IT UP, LLC, FILLIN' STATION
GRILL, LLC, and STEVEN P. BEENE,
Individually**

PLAINTIFF

v.

CIVIL ACTION NO. 3:17-cv-225-DMB-RP

**MS LZ DELTA, LLC d/b/a SOUTHERN
THUNDER HARLEY-DAVIDSON**

DEFENDANT

ORDER STAYING CASE

Defendant MS LZ Delta, LLC d/b/a Southern Thunder Harley-Davidson (“Defendant”) has filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(2) specifically alleging that Defendants Fill It Up, LLC and Steven P. Beene lack standing to bring this action. Docket 6. Plaintiffs Fill It Up, LLC, Fillin’ Station Grill, LLC, and Steven P. Beene (“Plaintiffs”) oppose the motion and have filed a Motion to Amend Complaint in order to remedy the standing issue raised in Defendant’s Motion to Dismiss regarding Fill it Up, LLC’s administrative dissolution and reinstatement. Docket 11.

“Standing is a jurisdictional doctrine that the Supreme Court has held must be decided before the merits of a case.” *Cox v. City of Dallas, Tex.*, 256 F.3d 281, 303 (5th Cir. 2001). Where standing requirements are not satisfied, the Court lacks subject matter jurisdiction over a case. *Bell v. Redflex Traffic Sys., Inc.*, 374 F. App’x 518, 520 (5th Cir. 2010). Under Local Uniform Civil Rule 16(b)(3)(B), filing “a motion asserting an immunity defense or a jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court’s ruling on the motion, including any appeal.”

Consequently, the attorney conference, disclosure requirements, and all discovery are stayed pending ruling on Defendant's Motion to Dismiss and, because the issues are interrelated, further pending ruling on Plaintiff's Motion to Amend Complaint. Further, under Local Uniform Civil Rule 16(b)(3)(F), the Case Management Conference currently set for January 4, 2018 (Docket 4) is continued and will be rescheduled within 60 days of an order lifting the stay. Counsel are directed to notify the undersigned within seven days of a ruling on the motion to dismiss.

SO ORDERED, this the 26th day of December, 2017.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE